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Discipline and Disparity:
An Independent Report Prepared for the
Northern Ireland Prison Service

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1. Introduction

This report presents the findings from a study of the disciplinary dynamics in Northern Ireland's prisons. The research explores the perceptions and interpretations of those individuals at the frontlines of the punishment process – staff and prisoners, including the most frequently punished prisoners in the Northern Ireland Prison Service (NIPS). The research was commissioned in order to help understand why some groups within the prison appear to be punished more often than others.

1.1 Disciplinary functions in NIPS

In the NIPS, punishment primarily involves loss of privileges (e.g., television, gym access) and cellular confinement -- often in the Special Supervision Unit or SSU. The two primary mechanisms through which these punishments are assigned are the adjudication process (a formal disciplinary hearing system intended for dealing with relatively serious rule infractions) and the Progressive Regime and Earned Privileges Scheme or PREPS. PREPS currently involves three different tiers of prison regime: 'Basic,' 'Standard' and 'Enhanced' intended to reward good behaviour, punish poor behaviour and encourage compliance with prison rules. Prisoners begin at a Standard regime upon entering the prison and can be promoted to an Enhanced regime or demoted to a Basic regime (losing television access, gym time, etc.) if they receive 'adverse reports' from staff.

1.2. Background to this report

The Criminal Justice Inspection Report, Section 75: The Impact of Section 75 of the Northern Ireland Act 1998 on the Criminal Justice System in Northern Ireland (2009) found that Roman Catholic prisoners in each of the three NIPS establishments appear to be disciplined more often than other prisoners. Proportionally, prisoners from a Roman Catholic (RC) background have the highest rates of adjudications in the prisons and are most likely to be assigned to the Basic or Standard regimes in the PREPS. The NIPS's internal review of these issues, *The Inside View* (2009), confirmed these findings and suggested additional research monitoring this issue and exploring the dynamics behind why some prisoners find themselves in 'prolific punishment cycles'. The present research study was commissioned by the NIPS in response to these concerns.

1.3 Aims of the research

The purpose of this research was to better understand why some groups appear to be punished more routinely than others as well as to explore why the available deterrents in the prisons appear to be ineffective with a small number of routinely punished prisoners. The research sought to capture the personal perspectives of those closest to this process, including prisoners, prison staff and, in particular, the most frequently punished prisoners in the prison system. The goal of the research was not to determine the objective truth about discipline in the NIPS, but rather to explore these different, subjective perspectives in an attempt to examine the role previous beliefs, experiences, attitudes and cultural background may play in explaining these disparities. No presumptions are made about the veracity of the claims made by the interviewees in this report. Instead, this research starts from the sociological perspective that "If individuals define situations as real, they are real in their consequences" (Thomas & Thomas, 1928: 572). In other words, the research values subjective "stories" of staff and prisoners, even though it is obvious that such stories are one-sided and probably self-serving, for the simple reason that these beliefs and biases can have real consequences on interactional dynamics within a prison. Therefore, this research explores the 'subjective' perspectives of both the punished and punishers for the insight these often clashing views can add to our understanding of the dynamics generating these disparities, and persistent patterns of punishment.

1.4 The challenging context of this report

This research took place during a difficult period of transition for the NIPS and this context may have influenced the findings of this report. The always sensitive topic of disparities in the treatment of prisoners became an even more sensitive subject for staff members because this research coincided with an on-going review of the work of the prison service. Our research is not intended to duplicate that review and is focused instead on helping the Prison Service improve the administration of disciplinary procedures within the prisons.

2. Literature Review: Previous Research and Theory

2.1 Achieving social order in prison

In order to function adequately, prisons depend on prisoners accepting the prison's authority and voluntarily submitting to and adhering to prison rules. This compliance cannot be taken for granted and is dependent upon the extent to which prisoners view the prison service as "legitimate" (Sparks, Bottoms & Hay, 1996). Liebling (2004: 471) defines legitimacy as the perception that "officials act fairly, and that they justify what they do to those affected by their decisions." Interpersonal relationships between prisoners and staff are therefore the key component on which the legitimacy of the prison service is based. According to Liebling (2004), 'right' relationships inside prison are respectful, have clear boundaries, are consistent, recognise the power imbalances in prison, address conflict rather than avoid it and explain deviations from the norm. In the theoretical framework known as 'procedural justice,' authority is viewed as legitimate because the individuals subject to it feel that their 'voices' are heard, that rules are consistently and neutrally applied, that those in authority are sincerely concerned about their well-being and that they have been treated with dignity and respect (see Jackson, Tyler, Bradford, Taylor & Shiner, 2010; Tyler & Huo, 2002).

The nature of the relationships between prisoners and staff also influences how and when power is used, which in turn impacts on perceptions of the legitimacy of the prison service (Liebling & Price, 2001). Distant and hostile relationships between staff and prisoners are associated with an overuse of formal sanctioning and privilege removal, whereas 'right' staff-prisoner relationships are characterised by a greater use of informal mediation and conflict resolution, as staff are better able to 'read' situations, interpret behaviour and assess the most effective method of dealing with misconduct (Crewe, 2010; Liebling, 2000; 2008). Staff-prisoner relationships are not only influenced by the quality of their interactions with one another but by staff-management relationships as well. When staff feel anxious and insecure, they are more likely to become punitive in their interactions with prisoners, adopting an authoritative stance, ordering and demanding submission and obedience, and perceiving all prisoners as 'other' or 'evil' (see Ben-David & Cohen, 1996; Ben-David & Silfen, 1994). Accordingly, staff-management relationships characterised by feelings of anxiety and insecurity are not conducive to 'right' staff-prisoner relationships or perceptions of legitimacy (Liebling, 2004).

2.2. Deterrence, defiance and compliance

Interpersonal dynamics between prisoners, staff and management are a key component to ensuring compliance in prison. Compliance can be either short-term or long-term in nature (see Kelman, 1958). Anthony Bottoms (2001) has argued that short-term compliance involves people complying with the legal and/or technical requirements of their sentence and is not necessarily associated with a reduction in long-term offending behaviour. It is an instrumental, rational approach to behaviour in which the possible benefits of compliance are compared to

its possible costs. In comparison, long-term compliance is associated with reduced re-offending and an internalisation of legal rules and norms. On the other hand, Bottoms (2001) argues that long-term compliance is linked to perceptions of legitimacy, internalisation and acceptance of rules and norms, as well as people forming relationships with encourage compliance (see also Robinson & McNeill, 2008). Bottoms (2001) argues that agencies should strive for long-term compliance as short-term compliance is constantly dependent on being able to effectively monitor people's behaviour and the appropriate use of rewards and punishments, which are perceived as suitable incentives and disincentives by those being regulated.

The disciplinary processes in many prisons, internationally, appear to encourage short-term compliance due to their focus on monitoring and incentivising behaviour. Prison discipline is premised on the notion of 'deterrence,' and the ability of prisoners to rationally weigh up the benefits and costs associated with their behaviour. Yet, defiance theory suggests that "similar criminal sanctions [can] have opposite or different effects in different social settings, on different kinds of offenders and offences and at different levels of analysis" (Sherman, 1993: 449). According to this perspective, the same sanctions can be experienced as a deterrent, as an irrelevance, or as a trigger for defiance, depending on the following factors: the characteristics of the individual being punished, the extent to which the person being punished can identify with those imposing the punishment and feels bonded to society, whether they believe the awarding of the punishment has been procedurally just, and whether they feel disrespected and/or stigmatised by the manner in which they were treated (see Sherman, 1993; 1995). According to research in this area, individuals who feel disrespected and/or stigmatised, those who perceive the sanction to be unfair, and those who do not feel bonded to society are especially likely to react with defiance, resulting in further offending behaviour.

Compliance with prison rules, then, depends on prisoners' ability and/or willingness to consider the costs and benefits of their behaviour, their perceptions of fairness and legitimacy, and their relationships of inclusion or exclusion with those imposing the punishment. Individuals who perceive themselves to be socially included (in an 'in-group') will comply with disciplinary processes whereas those who perceive themselves in an 'out-group' are more likely to be defiant. An 'out-group' is any group that an individual views in a negative manner and sees as being somehow 'different' from one's own 'in-group' (Dworetzky, 1994). Individuals tend to behave in ways which favour their in-group at the expense of out-groups (see Hogg & Vaughan, 2011). It has been argued that this in-group favouritism can influence relationships in prison, impacting how and when staff use their power, possibly resulting in differential outcomes for different prisoner groups (see Ministry of Justice, 2008).

3. Methodology

In order to examine the possible causes of the disparities in prisoner outcomes, in-depth qualitative semi-structured interviews were conducted with 34 prisoners and 14 staff members drawn from across the different establishments within the NIPS. This interview data was supplemented with a review of available statistical data, informal discussions with prisoners and staff, observations of adjudication hearings and other prisoner-staff interactions over a six-month period between February and July of 2011.

3.1 Prisoner interview sample

Two matched samples were selected for qualitative interviews:

High Punishment Group – Prisoners who had experienced prolific cycles of punishment in the prisons. The mean (average) number of adjudications for each prisoner in this group was 23.37. All but one of the individuals in this group were assigned to a Basic or Standard regime within the PREPS system (some were living in the SSU) at the time of interview.

Comparison Group – Prisoners who had not experienced prolific cycles of punishment within the prisons (i.e. had no more than 1 adjudication experience). These individuals were all on an Enhanced regime in their different establishments. The mean number of adjudications for this group was 0.13.

The two samples were intentionally 'matched' on factors such as length of time in prison, the offence that led to the person's imprisonment, prison where they were serving their sentence, sentence length, age, social class, gender and most importantly community background. This breakdown for the sample was as follows:

RC background (10 = High Punishment group, 7 = Comparison)

Protestant background (7 = High, 5 = Comparison)

Foreign-born and minority ethnicity prisoners (2 = High, 3 = Comparison)

Within these two groups we also matched smaller categories of prisoners thought to face unique issues in the prison:

Irish Travellers (4 = High, 4 = Comparison)

Women prisoners (2 = High, 1 = Comparison)

Participants were drawn from across the different establishments within the NIPS – Maghaberry prison, Magilligan prison, Hydebank Wood (Male) YOC and Ash House, Hydebank

Wood (Female) prison -- commiserate with the size of the prisoner population in each establishment. They ranged in age from 17 to 54, with a mean age of 29 years and a standard deviation of 9.61. Participants' offences included murder, attempted murder, burglary, robbery, drug-related offences, sex offences, driving related offences, possession of a firearm, criminal damage and fraud, among others. Their sentence lengths varied from those on remand to those serving sentences over 20 years, and they were drawn from across the different security categories within the prison service.

3.2 Staff interview sample

Fourteen interviews were also conducted with prison staff members (including governor-grade and officer-grade staff) across the prison service. Staff members were chosen because of their involvement in key areas of interest for this research and included individuals from different community backgrounds, genders and ranks within the prison service.

3.3 Interview protocol

Interviews for both staff and prisoners were 'semi-structured' and flexible. Topics covered included perceptions of PREPS, adjudications, overall discipline within the prison, staff-prisoner relationships and pre-prison experiences. Interviews were audio-recorded when the interviewee consented to this.

3.4 Supplementary data

These data were supplemented with available statistical data, observations of adjudication hearings and informal discussions with numerous staff throughout the NIPS.

3.5 Ethical issues

This research was conducted in accordance with the British Society of Criminology (2006) code of ethics and received ethical approval for the NIPS prior to its commencement. Relevant security clearance was also obtained by the researchers as well as approval to use recording equipment. Written, informed consent was obtained from all participants who were re-assured of the voluntary, confidential and anonymous nature of the research.

3.6 Data analysis and presentation

Interview recordings were transcribed and content-coded using NVIVO software for qualitative analysis. The authors employed a 'grounded', inductive analysis of the thematic patterns both within and across the different groups. Testimony given was not accepted as objectively true, but was instead interpreted as representing the understandings and subjective perspectives of the individual speakers.

3.7 Settings: the Northern Ireland prison context

Eleven participants were drawn from Maghaberry prison, the largest and highest security prison in Northern Ireland for men. A further 11 sample members were housed in Magilligan, a medium-to-low security prison for adult male sentenced prisoners serving sentences of 9 years or less. Finally, 9 male interviewees were based in Hydebank Wood (Male) YOC housing sentenced and remand prisoners between 17 and 21 years of aged. Finally, three female interviewees were based in Hydebank Wood (Female) prison in Ash House, the smallest establishment in the NIPS, housing female prisoners aged over 18. Interviewees made definite distinctions in terms of their experiences and staff-prisoner relationships between different houses, landings and prisons within the NIPS. In our report, we highlight some of these differences, but concentrate on commonalities across the regimes.

Review of the Findings

4. Disciplinary procedures in the NI Prison Service: perceptions of fairness and legitimacy

The key disparities across social groups within NIPS were in PREPS level assignments and the use of disciplinary procedures such as adjudications (CJINI, 2006; 2009a; 2009b; NIPS, 2009). This section explores how prisoners and staff perceive PREPS and the disciplinary procedures in terms of their legitimacy, fairness and procedural justice.

4.1 PREPS levels and incentives

Prisoners and staff differed somewhat in their understanding of the purposes of PREPS and in their perceptions of its value. Prisoner interviewees mostly resented the scheme and felt it was infantilising and capricious. Of course, the majority of prisoners comply with PREPS but interviewees suggested that this compliance was short-term and pragmatic in nature and did not reflect a general perception of the scheme's legitimacy. Moreover, most said they were motivated more by the 'stick' than the 'carrot' elements of PREPS. That is, they were unconvinced by the incentives for achieving Enhanced status, but motivated primarily to avoid the isolation of the Basic regime (especially the loss of television privileges) which they worried could be deleterious to one's mental health. Such calculated, avoidance-based compliance is problematic as its effectiveness depends on a prison's ability to effectively monitor and respond to prisoner behaviour. Some prisoners also argued that there was an imbalance in the length of time it took to progress upward through the PREPS levels versus the speed at which they could be demoted. In particular, once they were dropped a regime level, prisoners reported that they found it very hard to get back up to their previous regime level which added to their perceptions of unfairness regarding the PREPS system.

4.2 Adverse reports and officer discretion

Several prisoner interviewees from both the high and comparison groups criticised what they viewed as the unjustified use of 'adverse reports' in the prisons and described a perceived inconsistency amongst staff in their use. Some interviewees felt that whether or not they received an adverse report was based more on the prison officer's personality or mood than their actual behaviour. Other interviewees argued that if they had a poor relationship with a particular prison officer that they would be more likely to receive an adverse report than another prisoner manifesting the same objective behaviour. Finally, some prisoners felt that staff could deliberately provoke prisoners whom they disliked to get a reaction from them so that they could give them an adverse report. Staff interviewees recognised these perceptions

and acknowledged that the use of adverse reports was open to discretion, but viewed the relationship between behaviour and adverse reports as being more straight-forward. There was some disagreement in staff interviews about whether the reports were reflective of concrete behaviours or more abstract 'attitudes' the prisoners were thought to project. Another common concern among prisoners involved the idea of 'double jeopardy' whereby a prisoner could face an adjudication as well as an adverse report (and a subsequent demotion in PREPS regime level) for the same 'offence'. Staff interviewees had some sympathy with this argument, admitting that while the two processes were supposed to be separate, they did overlap at times. Some staff argued that prison officers may use adverse reports to discipline prisoners rather than go through the adjudication process due to a lack of confidence in the latter's ability to impact prisoner behaviour. To prisoners, this feeling of being doubly punished added to overall perceptions of unfairness and lack of procedural justice.

4.3 Recourse to formal adjudications

Similar concerns were raised about the adjudication process. Prisoner interviewees and some staff interviewees felt that officers were too quick to resort to formal adjudication proceedings for situations that could be informally resolved. A number of explanations were put forward to explain this formalism, including a history of limited prisoner-staff interaction in the NI Prison Service and a desire to protect oneself from criticism by outside agencies (i.e. by "going strictly by the book" in rule enforcement practices).

4.4 Adjudication hearings and legitimacy

Prisoners almost universally described adjudication hearings as a 'kangaroo court' or a 'rigged' or empty ritual. From the vantage point of the prisoner interviewees, these hearings 'always' resulted in a 'guilty' verdict, and they emphasised the considerable power imbalances inherent in cases that involved 'a prison officer's word against the word of a prisoner'. These interviewees felt that staff members could rely on fellow staff to support them as witnesses, but said that prisoners were less willing to give testimony in support of a fellow prisoner for fear of staff reprisals and intimidation. As such, the chief complaint amongst the prisoner interviewees was that they did not feel their stories were being listened to or their versions respected. Again, staff interviewees differed in their views on adjudication hearings, arguing that the process allowed a fair hearing for charges within the NIPS, although they did accept that the chances of being found 'not guilty' were very slim. In contrast to the prisoner interviewees, however, staff argued that 'not guilty' verdicts were rare as there was usually accompanying evidence of the prisoner's guilt (e.g., CCTV footage). Staff said that prison officers were reluctant to use the formal adjudication process without concrete, corroborating evidence of this kind due to its time-consuming nature. Some staff interviewees, however, did recognise that adjudication proceedings could be particularly difficult to follow for prisoners with learning disabilities, low literacy skills or mental illnesses.

4.5 The Special Supervision Unit (SSU)

Some staff interviewees argued that cellular confinement was used as a means of 'breaking' the most defiant prisoners, but recognised that the punishment failed to deter some of the most problematic prisoners and was limited in terms of creativity and scope. Indeed, a small number of prisoner interviewees spoke of their time in the SSU as a form of escape from the stresses of normal prison landings. However, other prisoners, in particular those who could not read or those who said they experienced staff harassment on the Unit, found the isolation of the SSU experience to be extremely difficult and possibly deleterious to their mental health.

4.6 The search team and C&R procedures

Prisoner interviewees were consistently critical of the search team at Maghaberry prison. Interviewees said that the manner in which searches were carried out by this unit lacked respect or recognition of their basic dignity. Some prisoners' descriptions of control and restraint experiences were particularly striking, with a small number of interviewees making a litany of allegations of assault and violence. Most of these accusations dated back a few years. By contrast, staff interviewees tended to praise the search team for their difficult work in restraining disruptive prisoners and maintaining order in the prison. To some degree, this stark difference of opinion between staff and prisoners is understandable given the nature of the search team's work. Prisoner interviewees, however, suggested that their criticism of the search team was rooted less in its functions but rather in the manner in which these functions were carried out. In particular, prisoners complained of an overly "macho" or "tough guy" subculture within the team that influenced the wider Maghaberry culture.

4.7 Complaints procedures

Prisoner interviewees reporting abusive behaviour by staff in these circumstances said they sometimes filed formal complaints but worried that there was no point in doing so. As with the adjudication process, some interviewees felt that they were not listened to in the internal complaints procedure within the prison service. Although it was acknowledged that the prison service is accountable to a number of outside agencies, some prisoners felt the internal complaints procedure failed to hold staff to account. For this reason, some prisoners said they were discouraged from complaining while others used the process as an opportunity to annoy staff rather than a legitimate opportunity to hold staff to account.

5. Perceptions of discrimination in the NI Prison Service

This section of the report deals with perceptions of discrimination by prisoners and staff. It explores the subjective perspectives of interviewees in order to determine whether they believe out-group discrimination exists within the NIPS and, if so, the reasons for its occurrence. While no claims are made about the accuracy of these perceptions, it is important to understand how prisoners and staff interpret social dynamics in the prison as these perceptions will influence how they behave towards each other, as well as the extent to which they view prison practices as legitimate and comply accordingly. This was a particularly sensitive topic for staff, with some feeling that the issue of discrimination by community background was unhelpful and irrelevant to their working practices. Prison staff interviewees were (with one powerful exception) uniform in their insistence that there was no discrimination in the NI Prison Service. Some prisoners agreed with this assessment. On the other hand, the majority of prisoner interviewees felt that discrimination did exist within the NIPS and some provided specific examples from their own subjective vantage points.

5.1 Equality and diversity in the prison

Staff interviewees felt the Equality and Diversity role had grown in significance in recent years, but argued that security issues still trumped these concerns and that not all staff were supportive of equality work. In particular, some remained concerned about the extent to which prison management fully recognised its importance and where it was placed on their agenda. Concern was also expressed about the development of prison policies which were insensitive to the needs of actual prisoners and the lack of specialised training for those acting as Equality and Diversity officers.

5.2 Prisoner perceptions of discrimination by religion/community

Some prisoners from a Roman Catholic background, particularly those from West Belfast, said that they felt that they were actively discriminated against by staff. Some of these perceptions appeared to be based on subtle interactions between prisoners and staff, and could very easily be in the person's own 'imagination' (or subjective belief). However, other descriptions of discrimination were more explicit. Most prisoners usually attributed these perceived biases to issues of familiarity rather than bigotry. They thought that prison staff simply felt more comfortable interacting with prisoners who came from similar backgrounds or shared similar political views as their own, resulting in better staff-prisoner relationships. Some prisoners from a Protestant background disagreed with this assessment and felt that Catholic prisoners were actually treated better than Protestants. They argued that because staff were sensitive to charges of being sectarian, they over-compensated by treating RC prisoners more leniently. Nevertheless, there were also a number of prisoners from a Protestant background who supported the view that RC prisoners faced discrimination in the NIPS.

5.3. Irish Travellers' views of discrimination

Several of the prisoners we interviewed perceived that some (but not all) prison staff harboured particularly hostile views toward prisoners from the Irish Travelling community. One staff interviewee agreed that Irish Travellers were “universally detested [...] by the majority of prison staff.” Likewise, Irish Traveller interviewees felt unfairly stigmatised and demonised, mocked, and misunderstood in the prisons. Most of the overt behaviours they described involved low-level harassment such as mocking of the Traveller accent. Again, interviewees generally attributed this harassment to ignorance rather than malice on the part of staff. They believed that some staff members may think that they are being amusing and are unaware of how offensive some of their comments can be. Other forms of discrimination were said to be more subtle. Travellers said they perceived that they were looked down upon by staff in various ways because of their background and presumed to be less intelligent than other prisoners.

5.4. Perceptions of discrimination among foreign nationals

Likewise, the small but diverse group of prisoners born outside of the UK/Ireland perceive that a small number of staff (and a larger number of prisoners) harbour hostile views toward them. Examples were provided of explicit mockery, racist or ethnicity-based harassment and discriminatory treatment of these prisoners by staff and other prisoners. Interviewees suggested that those individuals with poor English skills were particularly vulnerable.

5.5. Perceptions of discrimination on other factors

Prisoner interviewees also thought that other factors including age, size, and offence type (especially sexual crimes, non-professional offences like drunk driving and crimes against prison staff and/or their families) also play an unfair role in determining how a person is treated inside.

5.6 Roe House and the legacy of the troubles

Interviewees frequently mentioned the impact of Republican prisoners housed in Roe House on the social dynamics within Maghaberry Prison, both because of a series of protests held by prisoners in Roe House at the time of the interviews and because of the historical legacy of Republican imprisonment in Northern Ireland. A number of staff interviewees described being threatened and/or having colleagues killed by Republican prisoners in the past, and such threats remain very real with the Roe House prisoners. Both prisoner and staff interviewees emphasised how these dynamics have negatively impacted prisoner-staff engagement, well outside Roe House, within the three prisons. Roe House's vivid, daily reminder of Northern Ireland's very recent history may have a particular impact on the ability of staff and prisoners from an RC background to interact with one another in positive, constructive ways, exacerbating exclusionary dynamics that are endemic to most prisons between keepers and kept.

6. Communication failure and the dynamics behind prolific punishment cycles

One of the primary explanations for disparities in rewards and punishments in the NIPS is that these figures have been skewed by a small number of prisoners who have accumulated unusually high numbers of adjudications and adverse reports (including prisoners at Roe House). The section analyses the social dynamics behind these prolific punishment cycles. It is important to note that these experiences represent a tiny, if problematic, minority within the prison population.

6.1 Drug use and the failure of deterrence

Nearly all of the interviewees recognised the key role played by addictive substances in these cycles of punishment and defiance. Prisoner drug use was not only difficult to deter, but such use also could lead prisoners into conflicts with dealers over debts, resulting in further punishment or even the use of the SSU as an escape. As such, individuals using drugs within the prison, in particular those with histories of drug dependencies outside of prison, tended to accumulate more adverse reports and adjudications than other prisoners.

6.2 Triggering defiance

The other group of prisoners routinely caught up in punishment cycles were those who were deemed defiant, uncooperative or 'anti-authority', who simply refused to do as they were told. Prisoners labelled in this way acknowledged that such refusal to submit to authority was a personality trait of theirs, but they also felt that prison staff deliberately provoked them into over-reacting in ways that would trigger additional punishment. When asked why they believed staff behaved in this way, these prisoners attributed these behaviours to the desire to "show prisoners who's boss" and "not give an inch" in the power struggle between prisoners and staff. Some interviewees attributed this to the tumultuous history of the NIPS, where some prisoners at times did appear to achieve considerable freedoms within the prisons.

6.3 'Rising to the bait': prisoners' explanations for defiance

Prisoner interviewees acknowledged that, while all prisoners might feel picked on by staff, at times, only some will 'fight back' against this treatment. Such prisoners tended to characterise this behaviour as 'standing up to bullying' rather than being abusive to authority and some attributed it to the demands of hyper-masculinity (e.g., as a 'real man,' they could not be seen to be 'giving in' to allegedly demeaning treatment by staff). Some prisoner interviewees also attributed these differences to age and/or experience of being inside prison. They said that younger and newer prisoners may mistakenly believe that they can achieve respect from staff by showing they will not be mistreated in these ways. In particular, interviewees singled out those young men with little by way of family responsibilities on the outside who feel they have

'nothing to lose' by 'fighting back'. Indeed, interviewees argued that some prisoners may behave defiantly because they think this will actually help them to get along better in the prison and decrease staff harassment.

6.4 Prisoners who do not 'fight the system'

However, the majority of prisoners did not act out or 'fight back' in this way. Interviewees who have not been punished by prison staff said they have learned to resist 'the bait' and to 'turn the other cheek' when they feel taunted by staff. Most said they complied with staff orders out of a recognition that challenging 'the system' was futile rather than as a result of accepting the legitimacy of the institutional rules and rule enforcement. Some said that they have learned that 'walking away' from challenges can be an empowering response in its own right, showing a different form of strength. Others said they adopted an empathetic attitude toward prison officers, attempting to understand events from their perspective. Interviewees in the comparison group argued that once an individual proves to staff that they will not react with defiance, prison staff will begin to treat the person with care and respect. The interviewees described this as a 'get what you give' relationship.

6.5 Societal Influences

There was a view amongst some staff interviewees and a small number of prisoner interviewees that certain groups of prisoners were more likely to get into antagonistic situations due to wider societal factors outside the control of the NIPS. For example, some staff hypothesised that RC prisoners were especially likely to be involved in prolific punishment cycles due to a more rebellious nature and a greater concern with maintaining a masculine image compared to their Protestants counterparts. Others argued that the 'Troubles' in Northern Ireland had encouraged a culture of disrespect and disregard for authority figures in both Protestant and RC inner-city deprived areas, which was contributing to defiant behaviour within prison. Factors such as deprivation, the lack of appropriate adult male role models, and the values which were instilled in them by their families were also highlighted by staff interviewees as encouraging defiance. By contrast, prisoner interviews focused on situational and interactional dynamics when explaining their involvement in conflict situations. This difference in perception is common in social dynamics. In what is known as the 'fundamental attribution error,' observers often perceive the negative behaviours of others as reflecting something fundamental and internal to the individual (their personality traits or 'real self') whereas we typically attribute our own mistakes to social and circumstantial factors. This present research was not able to disentangle the varying role of internal and social/circumstantial factors in prolific cycles of punishment. However, it should be recognised that in general human behaviour involves both elements of free choice and structured constraint, and ignoring either can lead to cognitive errors and exacerbate social conflict.

6.5 Breaking cycles of defiance or “breaking” defiant prisoners

Some staff argued that the best way to break a cycle of defiance was to continue punishing the prisoner until the prisoner ‘breaks.’ Examples could not be provided of when this had been effective, although some prisoners did describe examples of mental ‘breakdowns’ resulting from punishment experiences. One prisoner we interviewed, however, said he had in fact undergone a transformation in his worldview during his time in the NIPS. At one time he was one of the most frequently punished prisoners in the system, but he is now on an Enhanced status and cooperating fully with the prison. His story presents hope that prolific punishment cycles can be transformed, although with only a single case, it is impossible to generalise from his experiences. He attributes his own transformation to finding religious purpose in his life and credits his time in the gym, education, the Prison Arts Foundation, and in particular religious counselling available in the prison for supporting his transformation.

6.6 Corrosive communication patterns

Overall, most prisoner interviewees and some staff interviewees felt that staff were too quick to punish, too quick to resort to disciplinary procedures when the same job could be done utilising ‘soft skills’ of persuasion, and too quick to stereotype prisoners as distrustful and dishonest. Interviewees emphasised that there was variation in the interpersonal relationships between prisoners and staff, but several said that an overall ‘breakdown’ was an appropriate description of the communication patterns between the two groups. The most common complaints among prisoners were that no one would listen to their side of an issue, high levels of staff apathy and a generalised lack of responsiveness to prisoner concerns. This appeared to result in a number of negative outcomes including self-harm and threats of suicide, an inability to informally resolve disputes, prisoner-on-staff aggression and a further deterioration of relationships.

6.7 Coda: parallels to management-staff communications

Interestingly, some of the same potentially corrosive communication patterns found between staff and prisoners could also be found in staff interviewees’ descriptions of their interactions with prison service management, suggesting a potential influence of management on prison climate. A number of staff interviewees described feeling pre-judged as dysfunctional by management and felt unfairly blamed for shortcomings within the prison service which they felt were not entirely of their own making. Some felt that prison service management could have played a more proactive role in supporting prison officers during the difficulties of the ‘Troubles’ as well as providing better on-going support of a more nurturing nature in their current roles. Similar to the prisoner interviewees, staff interviewees expressed a desire to be treated fairly, to be listened to and to have their unique circumstances and social context taken into account. Some interviewees worried that, like some prisoners, disgruntled staff might respond to these perceptions with defiance and disengagement.

7. Moving forward: promoting procedural justice in the NIPS

7.1 More tools in the box

Both prisoners and staff felt that the current approach to achieving discipline and order in the NIPS was too reliant on formal punishment. For a small but problematic group of prisoners, this form of deterrence appears to be ineffective and possibly counter-productive. Prolific punishment cycles also may undermine the perceptions of legitimacy among prisoners across the establishments, including those we interviewed who have never been formally punished themselves. More creative tools may be needed to maintain order. In particular, forms of reparation may be considered whereby those who have offended are held responsible for seeking to repair the harms they have caused rather than passively suffering their punishment.

7.2 Consider restorative problem-solving

Cycles of prolific punishment should 'raise alarm bells' (no pun intended) for staff that a pure deterrence model may not be working and that more creative problem-solving alternatives may be needed. The challenge facing the NIPS, then, is to develop other tools for responding to prisoner misbehaviour that may make a more substantial impact on future behaviour without undermining the moral climate of the prison. Repeat offending may suggest a need for mental health, addictions or other work. (The 'Basics' programme being developed at Maghaberry prison may prove to be an example of this sort of intervention -- although no observations/evaluation of this programme were made for this report). The prisoners we interviewed appear unconvinced by the legitimacy of the adjudications process in particular. This may be an appropriate context, therefore, for experimenting with restorative conferencing models. Research suggests that restorative practices tend to be rated highly in measures of procedural justice as the focus is on listening and consensual problem solving. In this way, they can encourage all participants to view each other in a more humanised and less stereotypical manner. Ideally, these processes would filter down to the day-to-day interactions between prisoners and staff on the wings so that minor conflicts would not escalate to the point of utilising an adjudication process. However, it is important to ensure that staff members 'buy into' such approaches or they may attempt to find alternative means of discipline, such as the use of adverse reports in the PREPS system.

7.3 Communication and the positive prison climate

Prisoner interviewees and most staff interviewees felt that the best performing prison officers were those with the strongest communication abilities. If prison work is communicative work, it would make logical sense that the highest priority for staff training would be improvements in interpersonal skills and informal counselling techniques. From our interviews it appears that such 'soft skills' may be under-valued in the NIPS, yet they may have the power to achieve the same ends as many physical control and restraint procedures with fewer negative side effects for prison climate. Interpersonal skills, informal counselling techniques and conflict mediation skills

could be part of the core training for all prison staff, while acknowledging and addressing any concerns staff may have about their safety. In addition, the NIPS could attempt to develop a working culture which values the use of these 'soft skills' to neutralise conflict over and above the use of the 'harder' skills of the search team and control and restraint procedures. Staff would also benefit from training in relevant criminological and social psychological issues to help them understand the dynamics involved in prison work, prisoner behaviour and their own reactions towards prison events.

7.4 Utilise communities of care

Historical factors put the NIPS at a distinct disadvantage in terms of establishing its legitimacy in the eyes of prisoners. Research on prisoners' home postcodes suggests that in 2011, the three wards with the highest number of prisoners' home addresses were all in predominantly Catholic inner city areas of West and North Belfast. For historical reasons hardly any staff are likely to live in these areas. To compensate for this, community workers from these communities (including the Irish Traveller community) might need to be brought in to the prisons in order to promote the key work of reintegration and resettlement. Involving such communities in the work of the prisons may increase the perceived legitimacy of the prison in the eyes of prisoners. This partnership work could also serve a dual purpose of humanising the prison (and prison staff) for community groups as well as humanising these communities for prison staff, breaking down in-group/out-group divisions and stereotypes.

7.5 Building bridges

In addition to developing stronger links with the community, there may also be a need to build bridges and repair relationships within the NIPS. Although in-group relationships between prison officers appear to be extremely strong, cross-group relationships between prisoners, staff and management appear to be based on stereotypes and generalisations, making it easier for each to dehumanise and blame the other for failings in their relationships. These relationship breakdowns appeared to play a key role in the disparities observed between the different prisoner groups in disciplinary rates. There was a general perception that such relationships were more difficult for prisoners from backgrounds different than those of the majority of prison officers and these relationships may play a substantial role in determining whether prisoner behaviour is dealt with informally or formally with an adverse report or adjudication.

Due to the high level of discretion involved in rule enforcement, there will always be inconsistencies in staff members' implementation of prison policies, such as PREPS, that can lead to perceptions of bias amongst prisoners. However, staff members may need to become better attuned both to the possibility of differential treatment due to in-group familiarity, but just as important to the perception of differential treatment due to in-group familiarity on the parts of prisoners. These perceptions, whilst perhaps factually inaccurate, are understandable and predictable, and with proper preparation could be better managed by prison staff. The relationships between management and staff also appear to impact on staff morale and staff-

prisoner relationships. Staff members complained of poor communication, misunderstanding, frustration, feeling undervalued and unsupported, judged inadequate and feeling unfairly 'scapegoated' by management for prison failings. Addressing these relationships may have a knock-on effect on the in-group/out-group dynamics inside the prisons.

Prisoners and staff members bring considerable cultural and historical baggage with them into the prison situation. Both prisoners and staff are drawn from a society which continues to experience segregation, mutual distrust, antagonism and is struggling to deal with past atrocities. This all makes the development of 'right' relationships and the building of bridges much easier to say than to implement. From our research it seemed that social identity is like an elephant in the living room of the NIPS that no one (at least among the staff and management) wants to talk about. The fact that staff members in the service are a largely homogenous group, mostly all drawn from a single religious background and political tradition does not go by unnoticed by prisoners, of course, but staff members we interviewed steadfastly denied that there is any potential of an issue here. The 'first step' toward reforming the disparities then may be simply to acknowledge social identity in the prison and openly discuss strategies of minimising even the perception of bias amongst prisoners in the system. Even if no bias "whatsoever" exists in actual fact, this perception needs to be openly and honestly addressed and not dismissed as delusional or political. Of course, any discussion of this issue needs to approach the topic in such a way that staff can acknowledge their own (very human) biases and behaviours in a way that is not accusatory or stigmatising. Staff members need to recognise that in-group prejudice (amongst staff and prisoners as well) is normal and to be expected, but something that can be moderated through open awareness and recognition of these dynamics.

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